

JOSE ORTIZ  
14 N. Kenton Ave  
National City, CA. 91950  
Phone (619) 773- 4584  
Defendant in Propria. Persona.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CITIBANK N. A. as Trustee

Plaintiff;

VS.

JOSE E. ORTIZ and DOES 1 through 100  
Inclusive;

Defendants.

FILED  
08 JUL 21 PM 12:46  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
EC DEPUTY  
Case No. 08 CV 1301 LAB RBB

State Case No.  
37-2008-00031404-CL-UD-SC

PETITION FOR REMOVAL

28 USC 1331, 1332,  
28 USC 1441(a)(b)(c), 1443  
28 USC 1446, FRCP 81(c)

TO The Honorable Judges of the United States District Court for the Central District of California:

Petitioner, Jose E. Ortiz, appearing Pro. Se. respectfully shows this Court:

1. Petitioner is the Defendant in the above-entitled action.
2. The above-entitled and pending civil action was filed in the Superior Court of the State of California County of San Diego on July 3, 2008.
3. The issue of Plaintiff's foreclosure and Unlawful Detainer is a complex litigation in that Defendant has a claim against this claimant and others for FRAUD including violations of 15 U.S.C. § 1611 et seq.; 26 U.S.C. § 2605 et seq.; 15 U.S.C. § 1602 et seq.; 15 U.S.C. § 1692.; which does not appear on the face of Plaintiff's complaint, however the constitutionality of the application of the Unlawful Detainer Statutes California Code of Civil Procedure section 1161a et seq. as applied to Defendants after a non-Judicial foreclosure is in issue, as well as the Non-judicial foreclosure itself under Cal. Civ. Code sec 2924. The issue is the lack of both substantive and procedural Due Process in the foreclosure proceedings as there is no opportunity to defend against a

CR

1 wrongful foreclosure, and thereafter no defense to the Unlawful Detainer stemming there  
2 from.

3  
4 4. This is a diversity action as Defendant is a Citizen of the State of California and  
5 Plaintiff is a National Association which operates internationally in 23 countries outside  
6 the United States, with its main offices on information and belief to be at 100 Citibank  
7 Drive, San Antonio, TX 78245

8 Federal question in the following:

9 (A) Cal Civ. Code Sec 2924 was unconstitutionally applied to Defendant as there  
10 was no opportunity to defend against a wrongful foreclosure, there was no  
11 independent source to complain to too stop or prevent a wrongful or  
12 fraudulent foreclosure.

13 (B) California Code of Civil Procedure 1161a is applied to Plaintiff and all parties in  
14 a foreclosure action as a grinding mill, the time allowed for defense is insufficient to  
15 prepare a "real" defense to this type of eviction, and NO real defense is even allowed, the  
16 issue of the foreclosure being improperly carried out, or unlawfully carried out, and  
17 whether the title was properly obtained is a non issue in this type of complaint under  
18 California Law, and is not allowed to be litigated, this code gives the illusion of providing a  
19 procedure where Due Process is obtained but not the reality of receiving a meaningful  
20 procedure either in form or substance as being substantive or procedural Due Process.

21  
22 4. In the present case, apparently Citibank remained in hiding as a beneficiary,  
23 and a company named Mortgage Electronic Registration Systems ("MERS") went on title  
24 after the loan was initially funded by Ownit Mortgage Solutions. MERS claimed to be the  
25 Beneficiary, Ownit the Lender and in turn Wilshire Credit, and Homeq Servicing, and  
26 Litton each have claimed the right to the payments, no where in this chain did Citibank  
27 ever appear, and this defendant does not believe (i) that the property was properly  
28 foreclosed, and (ii) that Citibank has standing to evict. Defendant has a counter claim that  
he intends to file and join the two cases for trial.

1 5. Plaintiff has attached a true and correct copy of the Complaint dated July 3,  
2 2008 hereto as exhibit "1"

3 6. The above-entitled matter was commenced against Petitioner in the Superior  
4 Court and is now pending therein as case no. 37-2008-00031404-CL-UD-SC  
5

6 7. On or about July 6, 2008, Defendant was served with a Summons and  
7 Complaint in the above-entitled action.  
8

9 8. The amount of money in controversy is currently in excess of \$500,000 which is  
10 the value of the Property taken wrongfully, through the State non-judicial foreclosure and  
11 is not under \$25,000 as Plaintiff alleges for the Superior Courts limited courts Jurisdiction.

12 9. This Court has original jurisdiction over these proceedings by virtue of 28 USC  
13 1331, as a significant Federal question has been raised. Therefore, this matter may be  
14 removed pursuant to 28 USC 1441(a)(b).

15 10. This Court has further original Jurisdiction under 28 USC 1332 as Plaintiff is a  
16 resident and has there primary place for doing business in the State of Texas and  
17 Defendant is a resident of California

18 11. This court also has original jurisdiction as this is a matter that falls under Title  
19 42 section 1983 ("The CIVIL Rights Act") which provides:

20  
21 Every person who, under color of any statute, ordinance, regulation, custom, or  
22 usage, of any State or Territory or the District of Columbia, subjects, or causes to  
23 be subjected, any citizen of the United States or other person within the jurisdiction  
24 thereof to the deprivation of any rights, privileges, or immunities secured by the  
25 Constitution and laws, shall be liable to the party injured in an action at law, suit in  
26 equity, or other proper proceeding for redress, except that in any action brought  
27 against a judicial officer for an act or omission taken in such officer's judicial  
28 capacity, injunctive relief shall not be granted unless a declaratory decree was  
violated or declaratory relief was unavailable. For the purposes of this section, any  
Act of Congress applicable exclusively to the District of Columbia shall be  
considered to be a statute of the District of Columbia.

1 12. That Declaratory relief is unavailable in the limited court and this action  
2 because of the limited amount of time allowed prior to trial and the lack of defenses that  
3 will be heard.


4 13. That this Court has Original Jurisdiction to hear and determine matters under  
5 title 42 section 1983 by virtue of 28 USC 1443.

6 14. The Petitioner has filed with the Clerk of the United States District Court within  
7 30 days after service on Petitioner of the aforesaid Complaint in the above-entitled action,  
8 this Petition for Removal.

9 WHEREFORE Petitioner prays that the above-entitled action be removed from the  
10 Superior Court to the United States District Court.

11 DATED

12 7/18/08

13   
14 JOSE E. ORTIZ

15 VERIFICATION

16 STATE OF CALIFORNIA )  
17 )s.s.  
18 COUNTY OF SAN DIEGO )

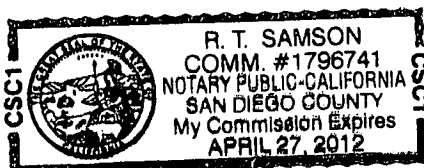
19 Jose E. Ortiz, under penalties of perjury, being first duly sworn, deposes and says:

20 That he is the Petitioner in the above-entitled action; that he has read the  
21 foregoing and knows the contents thereof; that the same is true of his own personal  
22 knowledge, except for those matters therein stated upon his information and belief, and  
23 as to those matters he believes them to be true.

24   
25 Jose E. Ortiz

26 STATE OF CALIFORNIA, COUNTY OF SAN DIEGO  
27 SUBSCRIBED AND SWORN TO (OR AFFIRMED) BEFORE ME  
ON THIS 18th DAY OF JULY 20 08  
BY: JOSE E. ORTIZ  
PERSONALLY KNOWN TO ME OR PROVED TO ME ON  
THE BASIS OF SATISFACTORY EVIDENCE TO BE THE  
PERSON(S) WHO APPEARED BEFORE ME.

28   
R. T. SAMSON - NOTARY PUBLIC



JOSE ORTIZ  
14 N. Kenton Ave  
National City, CA. 91950  
Phone (619) 773- 4584  
Defendant in Propria. Persona.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CITIBANK N. A. as Trustee

Plaintiff;

VS.

JOSE E. ORTIZ and DOES 1 through 100  
Inclusive;

Defendants

CASE NO.

**CERTIFICATE OF SERVICE**

State Case No.  
37-2008-00031404-CL-UD-SC

I hereby certify that on July 21, 2008, I did serve a true copy of the foregoing Notice together with copies of the Petition for Removal, on Robert Jackson, attorney of record for Plaintiff in the above-entitled action, by causing the same to be placed in the United States mail, postage thereon fully prepaid, and addressed to:

Robert Jackson  
Attorney for Plaintiff  
Citibank NA.  
4199 Campus Dr. Suite 700  
Irvine CA. 92612

DATED: July 21 2008

  
Jose E. Ortiz

**SUMMONS**

(CITACION JUDICIAL)

**UNLAWFUL DETAINER-EVICTION****(RETENCIÓN ILÍCITA DE UN INMUEBLE-DESALOJO)****NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):** JOSE E. ORTIZ, and DOES 1 through 100, inclusive**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):** CITIBANK N.A. as TrusteeFOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

JUL -3 PM 2:44

SAN DIEGO COUNTY CA

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

1. The name and address of the court is:  
(El nombre y dirección de la corte es):

San Diego County Superior Court-South County  
500 Third Avenue, Chula Vista, CA 91910

CASE NUMBER:  
37-2008-0003404-CL-UD-SC

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
ROBERT J. JACKSON (SBN 53809)  
SCOTT J. JACKSON (SBN 219157)

Telephone No. (949) 854-2244

Jackson & Associates, Inc., 4199 Campus Drive, Suite 700, Irvine, CA 92612

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: **JUL 03 2008** Clerk, by **L. AMECUA** Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

4. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.  
b. ☐ as the person sued under the fictitious name of (specify):  
c. ☐ as an occupant  
d. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):

SUM-130

PLAINTIFF (Name): Citibank	CASE NUMBER:
DEFENDANT (Name): JOSE E. ORTIZ; et al.	

## 6. Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and ZIP:
- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address): <b>ROBERT J. JACKSON (Bar No. 53809)</b> <b>SCOTT J. JACKSON (Bar No. 219157)</b> Jackson & Associates, Inc., 4199 Campus Drive, Suite 700, Irvine, CA 92612 TELEPHONE NO.: (949) 854-2244 FAX NO.: (949) 854-4752 ATTORNEY FOR (Name): Citibank		FOR COURT USE ONLY  <div style="text-align: center; font-weight: bold;">JUL -3 PM 2:47</div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 500 Third Avenue MAILING ADDRESS: CITY AND ZIP CODE: Chula Vista 91910 BRANCH NAME: South County		<div style="text-align: center; font-weight: bold;">JUL -3 PM 2:47</div>	
CASE NAME: Citibank v. JOSE E. ORTIZ; et al.			
<b>CIVIL CASE COVER SHEET</b> <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: <b>37-2008-00031404-CL-UD-SC</b> JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input checked="" type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	---	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): One (1)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 3, 2008

ROBERT J. JACKSON

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

#### NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in items 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2/30 and 3.220 of the California Rules of Court.

**To Parties in a Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising for a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)-Personal Injury/Property  
Damage/Wrongful Death  
Uninsured Motorist (46) (*if the  
case involves an uninsured  
motorist claim subject to  
arbitration, check this item  
instead of Auto*)

Other PI/PD/WD (Personal Injury/  
Property Damage/Wrongful Death)  
Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/  
Wrongful Death  
Product Liability (*not asbestos or  
toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice-  
Physicians & Surgeons  
Other Professional Health Care  
Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip  
and fall)  
Intentional Bodily Injury/PD/WD  
(e.g., assault, vandalism)  
Intentional Infliction of  
Emotional Distress  
Negligent Infliction of  
Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business  
Practice (07)  
Civil Rights (e.g., discrimination,  
false arrest) (*not civil  
harassment*) (08)  
Defamation (e.g., slander, libel)  
(13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice  
(*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer  
or wrongful eviction*)  
Contract/Warranty Breach-Seller  
Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/  
Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open  
book accounts) (09)  
Collection Case-Seller Plaintiff  
Other Promissory Note/Collections  
Case  
Insurance Coverage (*not provisionally  
complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse  
Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent  
domain, landlord/tenant, or  
foreclosure*)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal  
drugs, check this item; otherwise,  
report as Commercial or Residential*)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ-Administrative Mandamus  
Writ-Mandamus on Limited Court  
Case Matter  
Writ-Other Limited Court Case  
Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal-Labor  
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal.  
Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims  
(*arising from provisionally complex  
case type listed above*) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of  
County)  
Confession of Judgment (*non-  
domestic relations*)  
Sister State Judgment  
Administrative Agency Award  
(*not unpaid taxes*)  
Petition/Certification of Entry of  
Judgment on Unpaid Taxes  
Other Enforcement of Judgment  
Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (*not specified  
above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-  
harassment*)  
Mechanics Lien  
Other Commercial Complaint  
Case (*non-tort/non-complex*)  
Other Civil Complaint  
(*non-tort/non-complex*)

## Miscellaneous Civil Petition

Partnership and Corporate  
Governance (21)  
Other Petition (*not specified  
above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult  
Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late  
Claim  
Other Civil Petition

**NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.**

1. If you live here and you do not complete and submit this form within 10 days of the date of service shown on this form, you will be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. If you file this form, your claim will be determined in the eviction action against the persons named in the Complaint.
3. If you do not file this form, you will be evicted without further hearing.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address):		TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
<b>NAME OF COURT:</b> San Diego County Superior Court-South County STREET ADDRESS: MAILING ADDRESS: 500 Third Avenue CITY AND ZIP CODE: Chula Vista, CA 91910 BRANCH NAME: South County			
PLAINTIFF: CITIBANK N.A. as Trustee  DEFENDANT: JOSE E. ORTIZ; et al.			
<b>PREJUDGMENT CLAIM OF RIGHT TO POSSESSION</b>		CASE NUMBER: 37200800031404 CLUASC	
Complete this form only if ALL of these statements are true: 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the premises on or before the date the unlawful detainer (eviction) Complaint was filed. 3. You still occupy the premises.		(To be completed by the process server) DATE OF SERVICE: (Date that this form is served or delivered, and posted, and mailed by the officer of process server)	

**I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:**

1. My name is (specify):
2. I reside at (street address, unit No., city and ZIP code):
3. The address of "the premises" subject to this claim is (address):
4. On (insert date): , the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is the court filing date on the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make the claim of right to possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ \_\_\_\_\_ or file with the court the form "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file with the court the form for waiver of court fees within 10 days from the date of service on this form (excluding court holidays), I will not be entitled to make a claim of right to possession.

(Continued on reverse)

PLAINTIFF (Name): Citibank	CASE NUMBER:
DEFENDANT (Name): JOSE E. ORTIZ; et al.	

**NOTICE: If you fail to file this claim, you will be evicted without further hearing.**

11. (Response required within five days after you file this form) I understand that I will have five days (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

12. **Rental agreement.** I have (check all that apply to you):

- a. ☐ an oral rental agreement with the landlord.
- b. ☐ a written rental agreement with the landlord.
- c. ☐ an oral rental agreement with a person other than the landlord.
- d. ☐ a written rental agreement with a person other than the landlord.
- e. ☐ other (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**WARNING: Perjury is a felony punishable by imprisonment in the state prison.**

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF CLAIMANT)

**NOTICE: If you file this claim of right to possession, the unlawful detainer (eviction) action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages**

### – NOTICE TO OCCUPANTS –

**YOU MUST ACT AT ONCE** if all the following are true:

1. You are **NOT** named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is the court filing date on the accompanying Summons and Complaint.)
3. You still occupy the premises.

(Where to file this form) You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the reverse of this form) at the court where the unlawful detainer (eviction) complaint was filed.

(What will happen if you do not file this form) If you do not complete and submit this form and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee, YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to Occupy the premises will be decided by the court. If you do not file this claim, you will be evicted without a hearing.

1 ROBERT J. JACKSON  
2 Attorney Bar No. 53809  
3 SCOTT J. JACKSON  
4 Attorney Bar No. 219157  
5 Jackson & Associates, Inc.  
6 4199 Campus Drive, Suite 700  
7 Irvine, California 92612  
8 (949) 854-2244

9 Attorney for Plaintiff

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
SAN DIEGO COUNTY – SOUTH COUNTY JUDICIAL DISTRICT

11 CITIBANK N.A. as Trustee

12 Plaintiff,

13 vs.

14 JOSE E. ORTIZ;  
15 and DOES 1 through 100, inclusive

16 Defendant.

37-2008-00031404-CL-UD-SC

COMPLAINT IN UNLAWFUL DETAINER

LIMITED CIVIL JURISDICTION

POST-FORECLOSURE EVICTION

AMOUNT DEMANDED DOES NOT  
EXCEED \$10,000

Property Address:

14 N KENTON AVE  
NATIONAL CITY, CA 91950

20 Plaintiff CITIBANK N.A. as Trustee ("Citibank") alleges as follows:

- 21 1. Citibank is now and at all times relevant was an entity qualified to commence this action.
- 22 2. The names and capacities of the Defendants sued herein as DOES 1 through 100, inclusive, are
- 23 unknown to Plaintiff at this time. These defendants will be served pursuant to *Code of Civ. Proc.*
- 24 § 415.46.
- 25 3. The property of which Plaintiff seeks possession is located at 14 N KENTON AVE, NATIONAL
- 26 CITY, CA 91950 (the "Premises"). Said Premises is located within this Superior Court Judicial
- 27 District.
- 28 4. Possession of the Premises is sought pursuant to *Code of Civ. Proc.* § 1161a. Plaintiff obtained

1 title to the Premises and right to possession thereof by its purchase at a foreclosure sale validly  
2 held in compliance with *Civil Code* § 2924, the particulars of which are as follows:

3 A. JOSE E. ORTIZ executed as Trustor(s) a Deed of Trust, with power of sale, recorded on or  
4 about 11/29/2006 in the Official Records of San Diego County as Instrument Number  
5 2006-0847873, which Deed of Trust encumbered the Premises.

6 B. Pursuant to the foreclosure and sale of the Premises, under the power of sale contained in  
7 the Deed of Trust and in compliance with *Civil Code* § 2924, the Trustee of said Deed of  
8 Trust sold and conveyed title to the Premises to Citibank, pursuant to a Trustee's Deed  
9 Upon Sale recorded on or about 06/06/2008 in the Official Records of San Diego County  
10 as Instrument Number 2008-0305705.

11 5. Title is and has been perfected in Citibank on 06/06/2008.

12 6. Plaintiff is informed, believes, and thereon alleges that Defendants JOSE E. ORTIZ and DOES 1  
13 through 50 were in possession of the Premises at the time of sale, and that said Defendants and  
14 DOES 51 through 100 remained in possession after the sale.

15 7. On or about 06/13/2008, Plaintiff caused to be served on Defendants JOSE E. ORTIZ and DOES 1  
16 through 100 a written Notice to Vacate Property pursuant to *Code of Civ. Proc.* § 1162, a copy of  
17 which Notice is attached hereto as Exhibit 'A' and incorporated herein by reference.

18 8. The Notice expired at midnight on 06/16/2008, and since 6/17/2008 Plaintiff is and has been  
19 entitled to immediate possession of the Premises.

20 9. Defendants and each of them failed and refused to surrender possession within or since the notice  
21 period, and continue in possession of the Premises without Plaintiff's consent. Unnamed  
22 Defendants shall be served pursuant to *Code of Civ. Proc.* § 415.46.

23 10. Plaintiff is informed, believes, and thereon alleges that the reasonable rental value of the Premises  
24 is \$22.00 per day, and that damages to the Plaintiff proximately caused by Defendants' unlawful  
25 detention of the Premises have accrued at that rate since 6/17/2008 and will continue to accrue at  
26 that rate so long as Defendants remain in possession of the Premises.

27 WHEREFORE, Plaintiff requests judgment as follows:

28 1. For possession of the Premises;

2. For damages for the unlawful detention of the Premises at the rate of \$22.00 per day from 6/17/2008 until the entry of judgment;
3. For costs of suit; and
4. For such other and further relief as the Court deems appropriate.

Date: July 3, 2008

Jackson & Associates, Inc.

By:


  
\_\_\_\_\_  
ROBERT J. JACKSON  
Attorney for Plaintiff



EXHIBIT "A"

# NOTICE TO VACATE PROPERTY

TO: JOSE E. ORTIZ &  
All occupants residing at  
14 NORTH KENTON AVENUE  
NATIONAL CITY, CA 91950

NOTICE IS HEREBY GIVEN THAT CITIBANK N.A. as Trustee ("Citibank"), or its predecessor in interest, purchased the property located at 14 NORTH KENTON AVENUE, NATIONAL CITY, CA 91950 (the "Premises") at a foreclosure sale held in accordance with Civil Code § 2924 and pursuant to the power of sale contained in a Deed of Trust recorded on 11/29/2006 as Instrument Number 2006-0847873 in the Official Records of San Diego County, and that title to the Premises is duly perfected in Citibank.

## NOTICE IS FURTHER GIVEN THAT:

1. Within **three (3) days** after service on you of this Notice, in the event you are the Trustor(s) of the Deed of Trust described above, a successor in interest to said Trustor(s), or a family member of said Trustor(s); or,
2. Within **thirty (30) days** after service on you of this Notice, in the event you are tenant of the Trustor(s) of the Deed of Trust described above, or a tenant of a successor in interest to said Trustor(s):

You are required to vacate and surrender possession of the Premises, or the portion in which you reside, to Citibank through Blake Peter, its agent, who can be reached at 619-861-8778 from 9:00 a.m. to 5:00 p.m. on all business days.

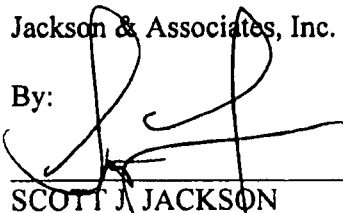
If you fail to vacate and surrender possession within the applicable period as set forth above, Citibank will commence eviction proceedings against you to recover possession of the Premises and for damages caused by your unlawful detention of the Premises.

This Notice is given pursuant to the provisions of Code of Civil Procedure § 1161a. If you have any questions about this Notice, please fax your inquiry to Jackson & Associates, Inc., attorney for Citibank, at (949) 892-1325.

Dated: June 13, 2008

Jackson & Associates, Inc.

By:

  
SCOTT J. JACKSON  
Attorney for Citibank,  
its assignees and/or successors  
CHCA041

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Jackson & Associates 4199 Campus Dr Ste 700  Irvine CA 92612			TELEPHONE NO. (949) 854-2244	FOR COURT USE ONLY
ATTORNEY FOR (Name)				
Insert of Court Name of Judicial District and Branch Court if any				
SHORT TITLE OF CASE				
1409042	(HEARING) Date	Time	Depl	Case Number.
				REFERENCE NO. CHCA041

## PROOF OF SERVICE

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED THE:

3/30 DAY NOTICE TO VACATE PROPERTY

BY SERVING SAID NOTICE AS AUTHORIZED BY C.C.P. 1162(2,3)

TO THE TENANT: Jose E. Ortiz

ON: 6/13/2008 TIME OF DELIVERY: 5:30:00 PM

BY POSTING A COPY OF SAID NOTICE IN A CONSPICUOUS PLACE ON THE PROPERTY THEREIN DESCRIBED, THERE BEING NO PERSON OF SUITABLE AGE OR DISCRETION TO BE FOUND AT ANY KNOWN PLACE OF RESIDENCE OR BUSINESS OF SAID TENANT; AND MAILING A COPY TO SAID TENANT BY DEPOSITING SAID COPIES IN THE UNITED STATES MAIL IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID, ADDRESSED TO THE TENANT AT:

ADDRESS: 14 North Kenton Avenue  
National City

CA

91950

ON 6/13/2008

7a. Person Serving: Luis Castellanos

d. The fee for service was \$127.00

e. I am:

(1) not a registered California process server:

(3) X registered California process server:

(i) Independent Contractor

(i) Registration No: 1391

(i) County: SAN DIEGO

b. DDS Legal Support  
2900 Bristol St  
Costa Mesa, Ca 92626

c. (714) 662-5555

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. X

SIGNATURE

6/16/2008

Luis

Castellanos

PROOF OF SERVICE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Jackson & Associates 4199 Campus Dr Ste 700  Irvine CA 92612		TELEPHONE NO. (949) 854-2244	FOR COURT USE ONLY	
ATTORNEY FOR (Name)				
Insert of Court Name of Judicial District and Branch Court if any				
SHORT TITLE OF CASE				
1409826	(HEARING) Date	Time	Dept	Case Number:
				REFERENCE NO. CHCA041

## PROOF OF SERVICE

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED THE:

3/30 DAY NOTICE TO VACATE PROPERTY

BY SERVING SAID NOTICE AS AUTHORIZED BY C.C.P. 1162(2,3)  
TO THE TENANT: All Occupants

ON: 6/13/2008 TIME OF DELIVERY: 5:30:00 PM

BY POSTING A COPY OF SAID NOTICE IN A CONSPICUOUS PLACE ON THE PROPERTY THEREIN DESCRIBED, THERE BEING NO PERSON OF SUITABLE AGE OR DISCRETION TO BE FOUND AT ANY KNOWN PLACE OF RESIDENCE OR BUSINESS OF SAID TENANT; AND MAILING A COPY TO SAID TENANT BY DEPOSITING SAID COPIES IN THE UNITED STATES MAIL IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID, ADDRESSED TO THE TENANT AT:

ADDRESS: 14 North Kenton Avenue  
National City CA 91950

ON 6/13/2008

7a. Person Serving: Luis Castellanos

d. The fee for service was \$0.00

e. I am:

(1) not a registered California process server:

(3) X registered California process server:

(i) Independent Contractor

(i) Registration No: 1391

(i) County: SAN DIEGO

b. DDS Legal Support  
2900 Bristol St  
Costa Mesa, Ca 92626

c. (714) 662-5555

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

X

6/16/2008 Luis Castellanos

SIGNATURE

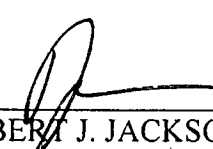
VERIFICATION

I, ROBERT J. JACKSON, declare:

1. I am an attorney duly licensed to practice before this court.
2. My office is located in Orange County, CA, and Plaintiff has no officers in said county who have any personal knowledge of this matter.
3. I have read the foregoing Complaint and know the contents thereof. I am informed and believe the matters therein to be true and on that ground allege that the matters stated therein are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3 day of July, 20 08 at Irvine, California.

  
ROBERT J. JACKSON

USDC CIRCUIT #9- CAS  
880 FRONT ST #4290  
SAN DIEGO CA 92101  
619-557-7349

BATCH: 201  
S-A-L-E-S D-R-A-F-T  
7  
192626500310200

REF: 0003  
CD TYPE: VISA  
TR TYPE: PURCHASE  
DATE: JUL 21, 08 12:54:50

TOTAL \$10.00

ACCT: 2103 EXP: \*\*/\*\*  
AP: 012545  
NAME: JOSE E ORTIZ

CARDMEMBER ACKNOWLEDGES RECEIPT OF GOODS  
AND/OR SERVICES IN THE AMOUNT OF THE  
TOTAL SHOWN HEREON AND AGREES TO PERFORM  
THE OBLIGATIONS SET FORTH BY THE  
CARDMEMBER'S AGREEMENT WITH THE ISSUER

THANK YOU

CUSTOMER COPY

UNITED STATES  
DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

# 153182 - TC

July 21, 2008  
12:55:27

Civ Fil Non-Pris

USAO #: 08CV1301

Judge.: LARRY A BURNS

Amount.: \$340.00 CA  
\$10.00 CC

Check#.: 0

Total-> \$350.00

FROM: JOSE ORTIZ VS CITIBANK



# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

ORTIZ, JOSE

(b) County of Residence of First Listed Plaintiff

SAN DIEGO

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

PRO SE

## DEFENDANTS

CITIBANK, NAILED Trustee

County of Residence of First Listed Defendant

08 JUL 21 PM 12:15

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONVEYANCE CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

ROBERT SCOTT JACKSON 08 CV 1301 LAB RBB

## II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☒ Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity.)

28 USC 1331, 1332, 1441(a)(b)(c), 1443, 1446, FRCP 81(c)  
 Brief description of cause: PETITION FOR REMOVAL

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

153182

AMOUNT

\$350

APPLYING IFP

JUDGE

MAG. JUDGE

CR